

REMARKS

Applicant notes with appreciation entrance of the request for continued examination under 37 CFR 1.114, and withdrawal of the finality of the previous Office Action pursuant to 37 CFR 1.114.

In the Office Action, the Examiner objected to the drawings because "in line 1 of paragraph [0036] of the application publication element number "98" is used to designate a cavity, however, in figure 2 element number "98" appears to be directed to a bolt. Also in figure 2 element number 56 points to a curved portion of the air spring but in the remarks filed 2/28/05 Applicant admitted that "56" was a planar surface" and requested correction of drawing sheets in compliance with 37 CFR 1.121(d)".

Corrected Figures 2 and 3, now in compliance with objections and requirements stated *supra*, are submitted therewith. Accordingly, the Examiner is respectfully requested to withdraw objection to the drawings.

Next, the Examiner objected to claims 11-13, 16-18, and 20 because of the following informalities: in the first line of the claims 11-13 and 16-18 the phrase "An air spring actuator" should be changed to --An air spring actuator assembly-- to maintain a preamble that is consistent with that of the independent claim. (Also in the second line of claims 11 and 18

"said air spring actuator" should be changed to --said air spring actuator assembly--) And the phrase "one air bag" in the last line of claim 20 should be changed to --one inflatable air bag-- to maintain consistency. Appropriate correction is required.

Preamble of claims 11-13, and 16-18 now specifically recites "spring actuator assembly".

Second line in each of claims 11 and 18 now specifically recites "... air spring actuator assembly ...".

Claim 20 now specifically recites the limitation of "one inflatable air bag ...".

Therefore, Examiner is respectfully requested to withdraw objection to claims 11-13, 16-18, and 20 because of the informalities.

Further in the Office Action, the Examiner rejected claims 2,3,7,9-13,16-18 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 2 and 3, the Examiner stated that "The phrase "perpendicular thereto" first recited in line 5 from the bottom of claim 2 is indefinite. It is unclear to the Examiner as to whether "thereto" refers to the vertical member or the horizontal member".

Claims 2 and 3 now specifically recite a limitation that "... extending substantially perpendicular ~~thereto~~ to at least said substantially horizontally disposed member ...".

With regards to claim 7, the Examiner found that "The phrase "a pair of guide means" in line 2 is indefinite. It is unclear to the Examiner whether the guide means of claim 6 is intended to be included in or separate from the pair of guide means of claim 7. If Applicant intends for the pair of guide means to include the guide means of claim 6, Examiner recommends the use of such language as --wherein said first guide means and a second guide means from a pair of guide means, said second guide means directly connected....-- This modification also requires that claim 6 be amended to recite a first guide means".

Claim 7 has been amended to recite "...said apparatus includes a ~~pair of~~ second guide means, a said second ~~one of said~~ ~~pair of~~ guide means directly connected to...".

Regarding claim 9, the Examiner stated that "It is unclear ... whether the recitation of "a second substantially vertically disposed plate like member" in section (e) of the claim is intended to be the same or different from that recited in section (b)" and that the claim lacks proper antecedent basis for the phrase "said first... planar surface portion" as recited in lines 3-4 of section (f)".

Claim 9 has been amended to introduce limitations such as "... third substantially vertically disposed plate like member ..." and "... forth substantially vertically disposed plate like member ..."

Further, regarding claims 9 and 10, the Examiner found that "The phrase "securing it" first recited in line 3 of section (d) of claim 9 but also found in claim 10 is indefinite. It is unclear to the Examiner as to which component "it" intends to refer to".

Amended claim 9 now specifically recites a limitation "... for securing said first substantially vertically disposed plate like member ~~it~~ ...".

Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 2,3,7,9-13,16-18 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Turning to the more substantive matters, the Examiner maintained her rejection of claims 1-4, 6-13,18, and 19-21 under 35 U.S.C. 102(b) as being anticipated by US Patent 6116385 to Ring.

The Examiner stated that "Re: claims 1 and 19. Ring shows in figures 1 and 3 an actuating member for a railway vehicle brake assembly, such railway vehicle brake assembly having an

air bag actuator 58 incorporated therein, said actuating member comprising: a first substantially vertically disposed plate like member or right side of element 50, said first substantially vertically disposed plate like having a first substantially planer surface shown in the area of the lead line of number 51 engageable via intervening elements with a first surface shown in the area of the lead line of number 88 of a second substantially vertically disposed plate like member shown in the area of element number 83 attached to such air bag actuator, a substantially horizontally disposed plate like member shown in the area of the lead line of number 84 connected to the first substantially vertically disposed plate like member adjacent a bottom edge thereof and extending substantially perpendicular to the first planar surface of the first vertically disposed plate member for shielding at least a first portion of the air bag actuator from foreign material as shown, and a means shown at the left end of element 60 connected to a radially opposed second surface of the first vertically disposed plate like member via intervening elements for securing the actuating member to a control linkage (or element connected to the left end of element 60 shown in figure 1) of the assembly.

Re: claims 2 and 20. Ring shows in figure 3 the limitation wherein the actuating member further includes a first plate member 82 connected to an upper surface of the substantially

horizontally disposed member and to the first planar surface of the first substantially vertically disposed plate like member adjacent a first side edge thereof and extending substantially perpendicular thereto for shielding at least a second portion of the air bag actuator from foreign material and for providing added strength.

Re: claim 3. Ring shows in figure 3 the limitation wherein the actuating member further includes a second plate like member 31 connected to the upper surface of the substantially horizontally disposed member via intervening elements and to the first planer surface of the first substantially vertically disposed plate like member adjacent a second side edge thereof and extending substantially perpendicular thereto for shielding at least a third portion of the air bag actuator from foreign material and for providing added strength.

Re: claims 4 and 8. Ring shows in figure 3 the limitation wherein the first vertically disposed plate member includes at least one mounting aperture 64 formed therethrough. Or in an alternate interpretation the first vertically disposed member can be element 83 and the mounting aperture can be element 86.

Re: claims 6, 9, 10, and 21. Ring shows the invention as set forth in the rejection of claim 1 above and shows a guide means (upper portions of 74, the upper portion of thin piece directly connected to element 74, and the upper connector

connecting the thin piece to element 74) the thin L-shaped piece of which directly connected to and disposed closely adjacent a first outer edge of substantially perpendicular (the horizontal part of the L-shape) to the planar surface portion of the first vertically disposed plate member for guiding and alignment and a securing means 82 connected to the first substantially vertically disposed plate member for enabling attachment to a rigid structure. In claim 9 the means connected to a radially opposed second surface of the first substantially vertically disposed plate like member is element 61.

Re: claim 7. Ring shows in figure 3 a pair of guide means 72,74, a second one of the pair of guide means (the lower portions of 74, the lower portions of thin piece directly connected to element 74, and the lower connector connecting the thin piece to element 74) disposed closely adjacent a second outer edge of and substantially perpendicular to the planar surface portion of the first vertically disposed plate member.

Re: claims 11 and 12. Ring shows in figure 3 a means or shoulder 56 for limiting reciprocal motion of the air spring actuator.

Re: claim 13. Ring shows in figure 3 an air inlet 64 in communication with the at least one air bag spring 59.

Re: claim 18. Ring shows in figure 3 wherein the air spring actuator assembly further includes means 62,64 disposed therein

for controlling volume of air in the at least one air bag spring".

With regards to independent claims 1, 6, and 9, such claims now specifically recite a limitation that at least a portion of the air bag actuator is exposed "to an operating environment characterized by a presence of detrimental extraneous foreign material".

The air bag actuator (58) of Ring is disposed within the hollow cylinder (52) which, in combination with the member (81), fully shields the air bag actuator (58) from the operating environment of the brake system.

Therefore, the inventions of claims 1, 6 and 9 of the present invention are patentably distinguished from Ring prior art reference.

Accordingly, the Examiner is respectfully requested to withdraw her rejection of independent claims 1, 6 and 9 under 35 U.S.C. 102(b) as being anticipated by US Patent 6116385 to Ring.

With regards to independent claim 19, Applicant respectfully requests that the Examiner reconsider her rejection, as such claim currently recites that "... said at least one inflatable air bag spring at least partially exposed within such railway car mounted brake assembly".

With regards to claims 2-4, 7-8, 10-13 and 20-21, such claims are dependent claims from claims 1, 6, 9, and 19 and will

be allowed since it is believed that independent claims 1, 6, 9 and 19 are in condition for allowance.

With regards to the rejection of claim 5 under 35 U.S.C. 103(a) as being unpatentable over Ring in view of US Patent 6267043 to Plantan et al and rejection of claims 16-17 under 35 U.S.C. 103(a) as being unpatentable over Ring in view of US Patent 4846785 to Cassou et al, such claim is a dependent claim from claim 1 and will be allowed since it is believed that independent claim 1 is in condition for allowance.

Therefore, the Examiner is respectfully requested to withdraw rejection of claim 5 under 35 U.S.C. 103(a) as being unpatentable over Ring in view of US Patent 6267043 to Plantan et al and rejection of claims 16-17 under 35 U.S.C. 103(a) as being unpatentable over Ring in view of US Patent 4846785 to Cassou et al.

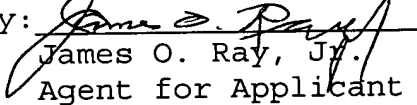
Conclusion

In view of the above amendments to the drawings, claims and the remarks associated therewith, Applicant believes that independent claims 1, 6, 9, and 19 are in a condition for allowance and such allowance by the Examiner is respectfully requested. Since it is believed that independent claims 1, 6, 9, and 19 are in condition for allowance, their dependent claims

further providing limitations are also in a condition for allowance.

In the event the Examiner has further difficulties with the election, he is invited to contact the undersigned agent by telephone at 412-380-0725 to resolve any remaining questions or issues by interview and/or by Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,

By: 
James O. Ray, Jr.
Agent for Applicant
Registration No. 27,666

JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE, PA 15146

TELEPHONE: 412-380-0725
FACSIMILE: 412-380-0748